

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VINCENZO MAZZAMUTO,  
Plaintiff,

v.

UNUM PROVIDENT CORPORATION;  
PAUL REVERE LIFE INSURANCE  
COMPANY; and NEW YORK LIFE  
INSURANCE COMPANY  
Defendants

CIVIL ACTION – LAW

NO. 1:CV-01-1157

JUDGE CONNER

JURY TRIAL DEMANDED

**FIFTH SUPPLEMENT TO MOTION FOR RECONSIDERATION OF THE COURT'S  
DECISION PRECLUDING EXPERT TESTIMONY OF GORDON K. ROSE, DENYING  
PLAINTIFF'S MOTION TO AMEND COMPLAINT, AND GRANTING  
DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S CLAIM FOR  
BAD FAITH DAMAGES FILED JUNE 24, 2003**

This Fifth Supplement is being filed as further support of Plaintiff's Motion for Reconsideration which was filed on June 24, 2003. In support thereof, attached is W.V. Realty Inc. v. Northern Insurance Company of New York, 2003 U.S. App. LEXIS 13182, filed June 27, 2003.

Respectfully submitted,

ANGINO & ROVNER, P.C.

s/ Richard C. Angino

Richard C. Angino, Esquire

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Date: 7/14/03

**CERTIFICATE OF SERVICE**

I, Richard C. Angino, Esquire, hereby certify that a true and correct copy of the foregoing  
**FIFTH SUPPLEMENT TO MOTION FOR RECONSIDERATION OF THE COURT'S  
DECISION PRECLUDING EXPERT TESTIMONY OF GORDON K. ROSE, DENYING  
PLAINTIFF'S MOTION TO AMEND COMPLAINT, AND GRANTING DEFENDANTS'  
MOTION TO DISMISS PLAINTIFF'S CLAIM FOR BAD FAITH DAMAGES FILED  
JUNE 24, 2003** was served by UPS overnight mail upon the following:

E. Thomas Henefer, Esquire  
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Counsel for Paul Revere Life Insurance Company and New York Life Insurance  
Company

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s/Richard C. Angino  
Richard C. Angino

Dated: 7/14/03